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2004 DEC 29 A 11: 54

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December 29, 2004

BY HAND DELIVERY

Mr. Lawrence H. Norton
Office of the General Counsel
Federal Election Commission
999 E Street, NW
Washington, DC 20463

Re: MUR 5604

Dear Mr. Norton:

On behalf of Kerry-Edwards 2004, Inc. and Robert Farmer, as Treasurer (collectively, "Respondent"), this letter is submitted in response to the complaint filed by the Republican National Committee ("the Complaint") and subsequently labeled MUR no. 5604. The Complaint should be immediately dismissed.

The Commission may find "reason to believe" only if a complaint sets forth sufficient specific facts, which, if proven true, would constitute a violation. *See* 11 C.F.R. §§ 111.4(a), (d) (2004). Unwarranted legal conclusions from asserted facts or mere speculation will not be accepted as true, and provide no independent basis for investigation. *See* Commissioners Mason, Sandstrom, Smith and Thomas, Statement of Reasons, MUR 4960 (Dec. 21, 2001).

Although it is difficult to read in parts, it appears that the photocopied material provided in the Complaint includes references to John Kerry. It is unclear whether any of Respondent's campaign materials were republished in part. Respondent had no involvement with Mr. Mason's campaign materials for local office, and any republication of Respondent's campaign materials was done without Respondent's knowledge. Under 11 CFR §109.23, "[t]he candidate who prepared the campaign material does not receive or accept an in-kind contribution . . . unless the dissemination, distribution, or republication of campaign materials is a coordinated

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communication under 11 CFR 109.21." Therefore, this Complaint should be dismissed immediately.

Very truly yours,

A handwritten signature in dark ink, consisting of several overlapping, slanted strokes, positioned above a horizontal line.

Marc E. Elias

Counsel to Kerry-Edwards 2004, Inc. and
Robert Farmer, as Treasurer

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